

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 10-288 (8) (RHK/JSM)

Plaintiff,

ORDER

v.

Anthony George Masieniec,

Defendant.

Before the Court is Defendant's Motion for Review and to Amend Detention Order; the Motion is opposed by the Government. Following the Defendant's arraignment and detention hearing, Magistrate Judge Noel ordered him detained. In so doing, Judge Noel determined that the statutory presumption, applicable in this case, that no condition or combination of conditions of bond would reasonably ensure the safety of the community and the appearance of the Defendant at future Court hearings, had not been rebutted by the Defendant. Judge Noel's conclusions followed an evidentiary hearing at which Defendant was represented by counsel.

The Court has reviewed de novo the proceeding before Judge Noel, and has had the benefit of a transcript of the November 8, 2010, hearing before Judge Noel. Based on that transcript and all the files, records and proceedings herein, the Court will affirm Judge Noel's detention ruling. There was supporting evidence before Judge Noel to support his findings, the statutory presumption of detention had not been rebutted, and his legal conclusions are fully supported by controlling case law.

Accordingly, and upon all the files, records and proceedings herein, **IT IS**

ORDERED:

1. Defendant's Motion for Review and to Amend Detention Order (Doc. No. 73) is **DENIED**; and
2. The Order of Detention as to Defendant Masieniec (Doc . No. 50) is **AFFIRMED**.

Dated: December 6, 2010

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge